



IDAHO DEPARTMENT OF
WATER RESOURCES

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Governor Brad Little

Director Gary Spackman

June 17, 2022

JODEE RAMSEY
326 CHALLIS AVE
ARCO ID 83213-8747

Re: Water Rights 34-50D and 34-52B

Dear Mrs. Ramsey,

Per our telephone conversation early today, enclosed please find copies of the Snake River Basin Adjudication (“SRBA”) partial decrees for your water rights 34-50D and 34-52B. Also enclosed are printouts of the Idaho Department of Water Resources (“IDWR”) database record for both water rights in the form of Water Right Reports. The Water Right Reports reflect the SRBA partial decree elements, but confirm you are the current owner of these two water rights.

During our phone conversation you also indicated you are intending to sell the place of use property for water rights 34-50D and 34-52B, but you plan to retain a six-acre portion. You indicated the six-acre portion of land you plan to retain is in the northern part of your property near the parcels owned by the Gametts. This part of your property is within Government Lot 4, Section 3, Township 4 North, Range 26 East, B.M. Water right 34-50D authorizes irrigation of a total of 64 acres within a 95-acre place of use. Water Right 34-52B authorizes irrigation of a total of 95 acres within the same 95-acre place of use. Water rights 34-50D and 34-52B authorize irrigation of up to 16 acres within Government Lot 4, Section 3, Township 4 North, Range 26 East, B.M.

In order to ensure you retain ownership of a six-acre portion of water rights 34-50D and 34-52B to irrigate the six-acre portion you are keeping, I recommend you include language in the conveyance document (warranty deed, etc.) that specifically retains a six-acre portion of water rights 34-50D and 34-52B in the land transaction. You may wish to consult an attorney on the proper language. However, language saying you are selling the land “...excluding a six-acre portion of water right 34-50D and a six-acre portion of water right 34-52B within Government Lot 4, Section 3, Township 4 North, Range 26 East, B.M.” is an example of language IDWR has accepted in the past to prove retention of water rights in a land conveyance document.

If you retain a six-acre portion of water rights 34-50D and 34-52B with specific language in the conveyance document as suggested above, when the new land owner files a *Notice of Change in*

Water Right Ownership with the conveyance document, water rights 34-50D and 34-52B will be split into a total of four water rights; your six-acre portion of water rights 34-50D and 34-52B authorizing the combined total irrigation of six acres and the new owner's 58-acre portion of water right 34-50D and 89-acre portion of 34-52B authorizing the combined total irrigation of 89 acres. In other words, after the land transaction, the new owner will only be allowed to irrigate a total of 89 acres rather than the 95 acres historically irrigated on the crop land, because you will be irrigating the six-acre portion of land you retained water rights for in the sale. The place of use for the new owner's portions of water rights 34-50D and 34-52B will be limited to no more than 10 acres within Government Lot 4, Section 3, Township 4 North, Range 26 East, B.M. unless the new owner files an *Application for Transfer* to change the place of use for the new owner's portion of the water rights.

Please email me at angela.hansen@idwr.idaho.gov or call me at (208) 287-4951 if you have any questions.

Regards,



Angela M. Hansen

Water Rights Section Manager

Enclosures: 34-50D SRBA Partial Decree
34-52B SRBA Partial Decree
34-50D Water Right Report
34-52B Water Right Report